

Serial No. 10/772,524
60,130-2011/04MRA0100

REMARKS

Applicant wishes to thank the Examiner for the detailed remarks.

Claims 1-5, 9, 12, 14, 17-18 and 21 were rejected under 35 USC §102(b) as being anticipated by *Schiffler* (DE 10009212). The Examiner continues to maintain this rejection by stating in the Response to Arguments section of the Office Action mailed November 29, 2005 that "element 9 is made of a flexible material and is clear [sic] able to move and flex. A translation of the German document has been requested by the Examiner." Notably, Applicant has requested this translation several months ago. The Examiner is required to supply a translation (see *Ex parte Gavin*, 62 UPO2d (BNA) 1680). If the Examiner maintains the rejection once a translation is received, the rejection response date should be restarted. In the meantime, and without a translation, the Examiner cannot refute Applicant's position that member 9 is not an airbag. In furtherance of Applicant's position, it should be noted that Figure 1 of *Schiffler* identifies an element 9 which is cross-hatched in the exact same way and is in the exact same position of element 9 in Figure 3. It should be also noted that the rolling lobe 7 is cross-hatched in a manner different than that of element 9. Element 9 in Figure 1, however, is completely open along a bottom surface thereof. *As such, member 9 in Schiffler Figure 1 cannot be an airbag.* This supports Applicant's argument that element 9 in Figure 3 is also not an airbag. Element 9 in Figure 3 provides only an additional airspace 25 and support surface for the rolling lobe 7. Applicant agrees that rolling lobe 7 is an airbag, however, element 9 most certainly is not. The claims are properly allowable.

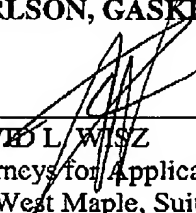
Claims 2-5, 12, 14, 18, and 20 all require the piston airbag having a changing or variable volume. *Schiffler* cannot meet this claim limitation. *Schiffler* provides no teaching whatsoever that element 9 has a changing or variable volume. If anything, element 9 is but a support structure for the rolling lobe 7. The claims are properly allowable.

Each of the remaining 35 USC §103(a) rejections utilize *Schiffler* and are also defeated for at least the reasons discussed above. Surely, the propriety of the proposed combinations cannot even be considered without a translation of *Schiffler*.

Serial No. 10/772,524
60,130-2011/04MRA0100

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,
CARLSON, GASKEY & OLDS, P.C.



DAVID L. WISZ Reg. No. 46,350
Attorneys for Applicant
400 West Maple, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

Dated: January 20, 2006

N:\Clients\MERITOR\IP02011\PATENT\ARM2001 req for reconsideration 11 29 05.doc